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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 2754 / 2005

Petitioner : Rajkumar Deshmukh
S/o Late G.R.Deshmukh,
Aged about 41 years,
Occupation – Police Constable,
R/o Village - Saloni,
P.O – Mahud,
P.S – Gunderdehi,
Dist : Durg-(C.G.)

Versus

Respondents :1. State of Chhattisgarh,
Through the Secretary,
Dept. of Home, D.K.S.Bhawan, Raipur-(C.G.)

2. The Director General of Police,
Chhattisgarh, Police Headquarter,
Raipur, Dist : Raipur – (C.G.)

3. The Asst.Inspector General of Police,
(Selection), Police Headquarter, Raipur,
Dist : Raipur – (C.G.)

4. The Sr.Supdt. of Police,
Dist : Durg-(C.G.)

5. The Supdt. Of Police,
Dantewada,
Dist : Dantewada – (C.G.)

P.R.No. 2853/05
Presented by Shri. B.S. Baghel
Date 24/6/05
NOTED

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 2754 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक और आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08.07.2005 Mr. R.S. Baghel, learned counsel for the petitioner. Mr. Pankaj Shrivastava, learned Panel Lawyer for the State of Chhattisgarh. Heard. The petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 10.06.2005 (Annexure P-1) whereby on repatriation of the services of the petitioner back to the Home Department from the Transport Department, he has been directed to be posted at Dantewada from Durg. Learned counsel for the petitioner submits that the petitioner was appointed as Constable and was posted at Rajnandgaon which was a Naxalite affected area from 30.11.1991 to 20.01.1993. With effect from 25.04.2003 the petitioner was sent on deputation and was working at Durg. On repatriation to the Home Department, the petitioner was directed to join at Dantewada by the impugned order dated 10.06.2005 (Annexure P-1) which is a naxalite affected area. As per the policy of the government, a constable can be considered for transfer only after he has spent 15 years of service in a naxalite affected area. So far as the question of repatriation from the Transport Department to the Home Department is concerned, the Court should not interfere with the order of the respondents as the petitioner has lien in the original department i.e. the Home Department and he was sent to the Transport Department on deputation. There was no	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.2754 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

period specified in the deputation order, as such it was for the employer to repatriate the petitioner back to his original department. The prayer with regard to quashing of the order of repatriation is rejected.

In view of the facts stated above, I am of the opinion that this petition can be disposed of with liberty to the petitioner to make a representation to the authority concerned within a period of 15 days from today raising all his grievances and on such representation being filed by the petitioner, the authority concerned shall consider and decide the case of transfer of the petitioner in accordance with law and the policy framed in this regard, within a period of one month from the date of submission of the representation by the petitioner. However, the order dated 10.06.2005 (Annexure P-1) passed by respondent No.2 transferring the petitioner to Dantewada will not be given effect, till the representation is decided by the authority concerned. Ordered accordingly.

In view of the foregoing, this petition stands disposed of finally.

Sd/-
Satish K. Agnihotri
Judge

Same

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